

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

MR. KELLY M. GOLDEN,

)

8:15CV147

)

Plaintiff,

)

)

v.

)

**MEMORANDUM  
AND ORDER**

)

DEPARTMENT OF

)

CORRECTIONS, et al.,

)

)

Defendants.

)

Plaintiff filed his Complaint in this matter on April 27, 2015, while he was incarcerated. The court granted him leave to proceed in forma pauperis on May 8, 2015, also while he was incarcerated. The court takes judicial notice of Nebraska Department of Correctional Services public records, which show that Plaintiff has been released from incarceration. See [Stutzka v. McCarville, 420 F.3d 757, 761, n.2 \(8th Cir. 2005\)](#) (court may take judicial notice of public records).

Since Plaintiff is no longer incarcerated, he must now file a new application for leave to proceed in forma pauperis if he wishes to continue pursuing this case in forma pauperis. Plaintiff may, in the alternative, pay the court's \$400.00 filing and administrative fees.

IT IS THEREFORE ORDERED that:

1. Plaintiff must either file a new request for leave to proceed in forma pauperis or pay the court's \$400.00 filing and administrative fees within 30 days. Failure to take either action will result in dismissal of this matter without further notice to Plaintiff.

2. The clerk of the court is directed to send to Plaintiff the Form AO 240, “Application to Proceed Without Prepayment of Fees and Affidavit.”

3. The clerk of the court is directed to set a pro se case management deadline with the following text: December 9, 2015: deadline for Plaintiff to file new IFP application or pay filing fee.

DATED this 6th day of November, 2015.

BY THE COURT:

*s/ John M. Gerrard*  
United States District Judge

---

\*This opinion may contain hyperlinks to other documents or Web sites. The U.S. District Court for the District of Nebraska does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their Web sites. Likewise, the court has no agreements with any of these third parties or their Web sites. The court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the court.